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THE

U. S. Shipping Act of June, 1872,

American Seamen AND

ITS ADMINISTRATION IN THE PORT OF NEW YORK.

AN INQUIRY IN REGARD TO THE SHIPPING LAW AND
ITS ADMINISTRATION IN THE PORT OF NEW YORK.

REPORT

OF

A SPECIAL COMMITTEE OF THE TRUSTEES

OF THE

American Seamen's Friend Society,

APPOINTED UNDER A RESOLUTION OF

NOVEMBER 26, 1873.

PRESENTED TO THE BOARD AND UNANIMOUSLY ADOPTED

JANUARY 19, 1874.



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REPORT.

Laws for the protection of seamen and especially intended to regulate their shipment and discharge existed in other leading maritime nations long prior to any attempt to legislate on the subject in this country.

These laws, while they secured peculiar advantages for seamen of other nationalities, operated to the demoralization of American seamen, by forcing upon their companionship, the refuse bad classes that could not be employed under the protective legislation of the countries where they severally belonged.

Largely from this cause, a condition of things had grown up in our chief sea-ports, that was fearful to contemplate, and under which, combining with other causes, the commerce of the country was manifestly suffering.

Seamen were bought, sold, and delivered like cattle. They were frequently shipped against their knowledge or their will. Their services were disposed of at rates about which they had little, if anything, to say. They were often cheated and robbed of their wages, and were otherwise personally abused, alike on shipboard and on shore, and with no power of redress. They were the victims of designing, bad men, who, to get hold of their earnings, would tempt and debauch them, and who would also use them, sometimes singly and sometimes in combination, against the interests of ship owners and masters ; and in manifold other ways they were reduced to a practical vassalage which disheartened and rendered them ugly, and made the calling of the sailor hated and a by-word, and the presence of the sailor a common dread.

Respectable men engaged in commercial pursuits, philanthropists and others, saw all this and would gladly have had it otherwise, but rather than come into contact with the desperate classes, and embroil themselves in a strife that seemed well-nigh hopeless, they accepted the existing condition, making only local but not serious general effort against it, until the legislation known as the UNITED STATES SHIPPING ACT, which, passing both Houses of the 42nd Congress, was signed by the President, the 6th of June, 1872.

The original draught of this law came from the hand of an eminent jurist, of honored name in the city of San Francisco, where the abuses of seamen were so flagrant and outrageous as to excite wide-spread public indignation, and suggest the need of some legal interposition to protect them in the common rights of manhood and secure to them the privileges of citizenship.

It was modelled, and wisely so, after the Merchant Service Bill of Great Britain, the main features of which seemed essential to any successful protective legislation in the interest of the American sailor.

When it was matured, and sometime in the year 1869, a copy of this draught was forwarded very naturally to the AMERICAN SEAMEN'S FRIEND SOCIETY, which, as a national institution concerned according to its charter, for the welfare of seamen, it was only reasonable to suppose would be prompt to take part in any movement whatever that promised to improve the sailors' condition. It was also accompanied with the request, that if, upon the careful examination which was asked for it, the proposed law was approved, it should then be submitted to Congress, and its enactment solicited in the interest of our national commerce.

The Special Committee of the Trustees, to whom it was accordingly referred, composed of practical men, mostly at some time connected with the sea, either as merchants or masters of vessels, and already themselves intelligent upon the subject, deliberately sought by conference with others interested in the matter, and in consultation with eminent legal counsel, to perfect the proposed measure. In due time, their

report being favorable, it was by a unanimous vote of the Trustees, endorsed and sent on to Washington, accompanied by sundry petitions, among others from the Chamber of Commerce and the Board of Trade, asking for its Congressional enactment.

Able and earnest advocates, seeing its importance and humanity, took it in hand at once. It was first considered in the Senate, and upon the recommendation of the Committee on Commerce, passed that body without a dissenting voice, but owing to the great mass of business that preceded it, its order was not reached in the lower House before the day of final adjournment.

Early in the next Congress it was introduced in the House, where it was fully and deliberately discussed, and passing that body with some unimportant amendments, it was again carefully considered and approved by the Senate, receiving the signature of the President also, to take effect the following August.

In the last Session of the late Congress, legislation was had, asked for in behalf of certain sectional interests, but the amendments thus obtained, do not, under a recent decision of the United States District Court, impair its original integrity.

From August, 1872, up to the present time, the law has been in operation in various United States sea-ports of Custom, and has been tested under a very great variety of administration and circumstances. And when it is remembered, that it was an entirely untried measure, proposing some very radical changes, particularly in the mode of transacting the business of shipping and discharging seamen, and on this account was calculated to excite the opposition of the very worst classes in our sea-faring communities, and also that its officials were inexperienced men with difficult duties before them, and neither precedents nor decisions to guide, the law may be said to have worked with surprising success, and, indeed, to have proved its great national and commercial importance, in the advantages resulting from it alike to seamen and to their employers.

In the port of New York it early met with organized and defiant opposition, on the part of the great majority of the boarding-house keepers, and persons variously connected with them ; and everything in their power to command has been brought to interfere with its intended usefulness, to misrepresent the law, and to render it odious and unpopular.

Those who have observed it dispassionately seem to approve it. There are others who do not. Its bearing conflicts with many personal interests, and on this account it is pronounced by some, unnecessary and expensive, uncalled for by the condition of the sailor, and instead of affording relief, as really being an embarrassment to commerce.

Not only has the law been denounced, but its administration, also, particularly in the port of New York, has been severely criticised, impugning, at least the judgment of those who urged its passage, and upon whose recommendation the present Commissioner received his appointment.

Under these circumstances the peculiar relation which the AMERICAN SEAMEN'S FRIEND SOCIETY had heretofore sustained to the law and its administration, seemed to render it not only proper, but a duty also, to inquire about these objections and criticisms ; for, plainly, if they are reasonable and well-grounded, then the friends of seamen would be called upon to take further action in the premises, seeking to perfect the law and to have it, if possible, judiciously and advantageously executed.

It was in this view that your Committee were appointed, and they entered accordingly on the investigation assigned them, by visiting, without notice of their coming, the office of the Commissioner, in the SEAMEN'S EXCHANGE, a commodious building, erected by the NEW YORK SEAMEN'S ASSOCIATION, (a philanthropic institution gratuitously managed by a Board of Trustees, composed of business men, clergymen and ex-sea-captains, and without paid officials), and located immediately opposite the SAILORS' HOME in Cherry Street, and in the very centre of that section of the city where sailors chiefly congregate.

Some idea of the magnitude of the business to be transact-

ed and accomodated here, will be had upon a notice of what is required of the United States Shipping Commissioner under the law of 1872.

He must have suitable premises wherein to transact the business of the Commission. He must afford facilities for engaging seamen, and to this end, must among other things, keep a register of their names and character. He must superintend their engagement, and provide means for securing the presence on ship-board, of men so engaged. He must supervise the forms of agreement between masters and crews, have them signed in duplicate, besides furnishing a copy for the Custom-House, and must certify over his official seal, that each man named in said agreement, signed the same understandingly, voluntarily and when sober; and must witness the paying of all advance wages to seamen. He must also witness the discharge of all seamen in the United States from merchant ships engaged in voyages described, and see that they receive their stipulated wages. To this end he must inspect the accounts of all seamen previous to settlement, and see also that each man gets a certificate of discharge, and must keep books for mutual release in all cases of discharge and be ready to furnish certified copies of the same whenever required, and give each master a statement of money expended in paying off seamen. He must also keep a register of discharged seamen, and a report of the conduct, character and qualifications given them on discharge, and when it is desired by any seaman, he is to give him or endorse on his certificate, a copy of so much of said report as personally concerns him.

It is also made his duty to hear and decide any matter of difference that may be referred to him, between a master, consignee, agent or owner of vessel and any of his crew, being authorized to this end, to require (if necessary) masters, owners, mates, consignees or crews to appear before him and to produce papers and books. He is also to hear in certain cases, complaints from seamen on ship-board. It is made the Commissioner's duty also, to aid in the capture of deserters when it is required; and he is to receive the ef-

fects of deceased seamen and deserters, and account for the same to the United States Circuit Court.

Besides all this he is to facilitate the apprenticing of boys to the sea service, and is to keep a register of all indentures of apprenticeship made before him.

It will readily be seen from this outline of his duties, as prescribed by the law, that the business of the Commissioner's office, in such a port as New York, would naturally be very large, and that to transact it with correctness and despatch, would require systematizing and a competent clerical force.

Your Committee were gratified to find the various departments wisely arranged, and the business of the office quietly proceeding, in each department, with order and apparent satisfaction to the parties concerned.

The main room of the building is devoted to seamen, who, at the time of your Committee's visit, were present in large numbers, some waiting engagements and in conference with captains and others about voyages proposed; some hearing and signing their articles, and some settling accounts, receiving their wages and discharge.

The books of the office were all opened to inspection, and your Committee were allowed the largest liberty to question not only the Commissioner himself, but also his deputies and other employees, in regard to the mode of conducting the general business.

The statement of the Commissioner as given to your Committee in detail, accompanies this Report on paper marked A, and is referred to as explaining much of which the public has been misinformed, and as setting forth the manner in which the steamships and sailing vessels are supplied by shipment and re-shipment, and their accounts subsequently adjusted, and the discharged men paid off through the cashier, whose office, while in the same building, is properly kept altogether distinct, and, suggestively, in the adjoining Sailors' Savings Bank.

Your Committee had shown to them also, what is called the Register of Deserters as provided for by the law, and its important and economizing uses explained.

Desirous of ascertaining the opinion of others in regard to the Shipping Law and its operation, besides those connected with the Commissioner's office, your Committee listened with interest, to the statement of Capt. BLAKE of the United States Navy, and in charge of the Naval Rendezvous adjoining, in the SEAMEN'S EXCHANGE. His language was, "so far as relates to sailors, I consider that the law works well. As to the 'personnel' of the ship, this is true in every respect. Here the captain of a vessel has his pick of the men. By the old way he rarely, if ever, saw them until they were out at sea. The law works badly for the pimps. I have yet to find one respectable sailor who says he wants the law repealed. As to the names signed to petitions for a repeal of the law, said to be names of sailors, they are fraudulently obtained, *had for a drink*. In my judgment the law is only too lenient. I would have it amended, so that whenever practicable the crews of all outgoing vessels, steamships particularly, should be shipped long enough before sailing, for them to be organized into boats' crews, and ready for any emergency." He instanced the Cunard steamers as illustrating his idea.

Capt. BLAKE gave several instances that came under his observation, of sailors being excessively charged by landlords who had brought them for enlistment, one man \$16, when all that been furnished him was a single cup of coffee; another, but the day before, started from the Brooklyn Navy Yard with \$47 in his pocket, for the Sailor's Home, and on his way, stopped at Mrs. ——'s where he was charged \$15 for two drinks.

Subsequently to their meeting at the Commissioner's office, your Committee held several sessions at the Rooms of the Board of Trade, at which they were favored with the presence of a number of gentlemen of intelligence and experience, entertaining very positive views in regard to the law and its administration, who were heard at length, and their statements upon the subject recorded for reference.

An analysis of these statements shows that prior to the time when the law went into effect (August, 1872,) the ship-

ping of seamen in the port of New York had been carried on by private enterprise, that about FIFTY concerns were engaged in the business, and that while some of them were of respectable character, many were managed by men, whose only training for it had been as runners for sailor-boarding houses of the very lowest character.

As a consequence of this, the most flagrant enormities were practised. When men were *plenty*, chances had to be paid for, and the price for this, known in the street as "blood money," cost the sailor a large part of his advance which he worked out grudgingly, running away if he could from whatever balance remained, at the very first port made, to ship again under some different name. If men were *scarce*, then this same extortion was practised on the owner; landlords and shipping masters combining, and sometimes, as was stated, parties sharing in the profits, more or less according to the state of the market, but always enough to constitute a burden upon the commerce of the country.

Under the old system, it was also the case, that masters of vessels rarely knew what to depend upon, as to the men they were to have in their crew, for, as a captain long engaged in the China trade stated it, "they were picked out at the shipping office, and brought on board, and often, of the twenty men picked out, not more than two would come, in (fit) condition, the rest *full of delirium tremens*. The first thing we had to do after we got out to sea, was to search the fore-castle for liquor and destroy all they had: this state of things I knew for twenty years." Of course detentions in the stream, as was stated, were very common, and getting ships to sea, an undertaking that could not be counted upon with either promptness or certainty.

As to the comparative cost of shipping men, it has been claimed that it was less under the old system than under the law, but your Committee are satisfied from the evidence produced upon this point, that the claim is unfounded. The Commissioner's fee for shipping is \$2 per man; against which one of the most respectable of the old shipping masters stated, that his uniform fee was \$4 per man, and for

Rooms of the
Importers & Grocers Board of Trade,
74 Wall Street, New York, May 10th, 1873.

At a regular monthly meeting of this Board, on Wednesday, 7th inst., the following Preamble and Resolutions were passed unanimously.

Whereas, Certain charges have recently been published relative to alleged mismanagement of the Sailors' Exchange, under the administration of Captain C. C. Duncan, U. S. Shipping Commissioner, and

Whereas, He has received the endorsement of the Chamber of Commerce and other kindred organizations, also of some of our members, who have known him long and intimately: therefore

Resolved, That the Importers and Grocers Board of Trade pledge to him its hearty co-operation and support in this his earnest battle for the cause of the sailor.

Resolved, further, That convinced as we are of the honesty, sincerity and fearlessness of Captain Duncan, we desire to place upon record this our appreciation of the valuable services he is rendering to the cause of commerce generally and to the best interests of the Port of New York. We therefore ask the merchants of this city to extend to him their aid and encouragement

Wm. Neilson,

Secretary.

At a meeting of the Chamber of Commerce
of the State of New York, held May 1st, 1873.

The following resolution was unanimously adopted:

Resolved, That in the judgement of this Chamber, the United States Commissioner should be encouraged and sustained by the mercantile community of this City, in his efforts to execute the law known as the Shipping Act of June 7th, 1872.

Attest— GEORGE WILSON,

Secretary.

paying off, \$10 for large vessels and \$5 for small, the general outside shipping price being any where from \$2 to \$4 according to agreement; and his books were produced to show that several leading commercial houses on South street, formerly paid almost, if not quite, 50 per cent more for shipping their seamen, than they now pay to the U. S. Commissioner for the very same service. The evidence of Capt. GRAY of the P. M. S. S. *Acapulco*, and of Capt. SEABURY of the P. M. S. S. *Granada*, while it does not bear upon the cost of shipping crews, as that is a matter with which they had nothing to do, is very significant upon the general subject, and your Committee would refer to it, as showing the improved condition of things, *in almost every respect, especially on our steamships*, since the law went into operation.

Capt. JORDAN of the ship *Rhine* (one of GRINNELL, MINTURN & Co's vessels) gave it as his opinion that the law is good and righteous, and working well, not only for ships, but also for the sailor. He said "I have been mate and master for 30 years; have seen a great deal that was bad in that time: since the law went into effect have had no difficulty in getting my crews, and having them come on board SOBER. There is no "shanghaeing" now; there was much of it in the old times. I could mention the name of a shipping-firm who allowed this. Once, when I had the *Lady Franklin*, out of twenty-four men that were shipped, I only got four that could steer; as for the rest, they were plumbers, drivers, laborers, lime-burners daguerreotype-takers, &c.; some of them could not handle a rope, and I remember that I had to poultice their hands when they got blistered. This was one of many cases I could name. We are free from all this now. The things I have spoken of are merely samples out of many cases, say three out of four times when I have sailed from New York. As to defects in the law, I have seen *none* in its practical working, NOT ONE. Know nothing of any trouble with the Commissioner or his deputies; they are polite and courteous."

Capt. JAMES H. LITTLE of the ship *Star of Hope* was equally decided in his satisfaction with the working of the

law. "I have shipped seamen (he said) for twenty years past, and I prefer to ship them under the new order of things." Reference is made to his statement in full.

It is but just to state that on the other hand Capt. B. E. THURLOW formerly sailing out of this port, but now engaged in business in South Street, expressed himself as decidedly opposed to the law. He said, "I am opposed to anybody taxing me without my consent, and this has been so with me from the start since the law went into operation. Take my own case. I have been thirty-five years a Captain. I left off four years ago. I used to ship my own men from three different offices. I have brought up twelve men and made them masters and mates. I never paid a man for shipping sailors; paid no fee for it. That isn't so now." He subsequently stated that the shipping master always furnished articles. "I used to have some *stationary* men, to the extent of one-half my crews, and the rest were supplied to me from the shipping offices. I paid \$2 a piece for these. CLARK & DEAN used sometimes to give me drunken men, but the other offices did not."

Mr. G. A. BRETT, a shipping merchant in South St. was likewise decided in his opposition to the law, and admitted to your Committee that he wanted to kill it. He gave it as his opinion that the sailor had not been elevated by the law, and said that no captain in his employ was in favor of it as now administered. He said he once was in favor of the law, but had lived long enough to change his mind. He believed that he represented nine-tenths of the ship owners of New York, and a majority of the sailors. Against this however was the testimony of Deputy JENKS, who comes into contact with probably as many seamen as any man in the port of New York, and who said "all good seamen endorse the law most heartily."

The testimony of Capt. THURLOW and Mr. BRETT is appended to this Report.

Another evil stated to have measurably ceased under the law, was the practise of extorting money from owners by what was purely a put up litigation, considerable sums of-

ten being paid to prevent the arrest of a captain, just when his detention would have been a most serious embarrassment. *The settlement by the Commissioner of differences* between masters and crews, as authorized by the law, your Committee found to be a daily occurrence, and it was spoken of by captains and others, as giving general satisfaction, and by a prominent ship-owner and merchant as having already effected a very manifest saving in the matter of expenses.

As to the general features and operation of the law the testimony of Capt. HENRY ERBEN of the U. S. N. is, on account of his world-wide experience and careful observation and intelligence eminently valuable. He stated among other things, that he entered on his duties at the U. S. Rendezvous in the Seamen's Exchange, prejudiced against the law by ship-owners with whom he had talked about it, but he found it working well. "I think, (quoting his words) it ought to be made more stringent: it ought to take in all the coasting trade, and every ship going out of this port into deep water."

He gave your Committee an account of the recent demonstration in the City Hall Park, which he happened to witness, and at which Mayor HAVEMEYER and the Editor of the *Nautical Gazette* made addresses. "There were," said Capt. ERBEN, "about one hundred and fifty men in the procession, and I don't believe there were six seamen in the lot." He further stated that he had conversed with the ship captains in regard to the law and they all admit, that they get better men than formerly. His own words were, "so far as I can find, there is no real ground for opposition to it."

Reference is made to his testimony as appended to this Report.

Besides the mass of personal testimony more or less favorable to the law itself, important documents bearing upon the subject were laid before your Committee. A very large number of testimonials from masters of vessels, sailing out of the port of New York, were submitted, expressing their satisfaction at having had their men furnished them

by the Commissioner, and as making no complaint whatever of the law.

Among these is a letter from Capt. M. B. CROWELL of the ship *Black Hawk*, from which we give an extract as follows :

“ DECEMBER 24th, 1873.

* * * * * “ I have done business with your office, now three times in succession, and have received every attention and kindness that could be given by all under your control, both in shipping and paying off my crews. I have not had an hour's detention, and have had better men, by all odds, than under the old regime. * * * * * It is a great benefit to ship-owners, to ships and to sailors.”

A copy of commendatory resolutions, unanimously adopted at a meeting of the Firemen and Coal Passers Association of the Port of New York, was also submitted ; and also a report adopted by the New York Ship-Owners Association, carefully prepared by a Committee of six, each one of whom was especially invited to be present, as some of them were, and to express his personal views, as some of them did, upon the particular subject of this inquiry.

That report, to which further reference will be made, says, “ In conclusion your Committee are of opinion that the Act is on the whole beneficial to the interests of both sailors and ship-owners, if properly interpreted and administered in accordance with what the Committee believe to have been the intention of its framers.” It should be said in this connection, however, that one of that Committee, in giving his personal views on the subject, stated that although he signed that report thus commending the Shipping Act, he nevertheless was opposed to it, and really both sought and desired its repeal.

The change which that report suggests as to the appointment of the Commissioner, proposing to remove the power for this, from the United States Courts to the Secretary of the Treasury, your Committee cannot but think would altogether and immediately change the present non-partisan character of the law, (which in all his appointments the

Commissioner in the port of New York, has studiously sought to preserve), and would convert it into an instrument for political uses, with no apparent compensating advantages whatever, a result which every lover of good order and friend of seamen might be supposed to deprecate.

The office of the Commissioner is measurably invested with judicial functions, and it seems altogether fitting that the incumbent be selected not only in view of that fact, but also by an authority sympathizing with that feature of the office, while at the same time, as under the law, any irregularity or malfeasance may be promptly remedied in the manner described, by that same authority.

Nor do your Committee perceive that the appointing power being as proposed with the Secretary of the Treasury, should he attach the Commissioner's office to the Custom-House, it would be any advantage or improvement whatever. It was given them as the opinion of one conversant with the business in all its practical details, that it could not be transacted at the Custom-House. As for having a Commissioner there merely to supervise the shipping of seamen, or to have an officer at the Custom-House, where the shipping of seamen should be carried forward, it would be impossible. In his judgment the Seamen's Exchange was well situated for procuring seamen, and on that account was the right place for the Commissioner's office.

The criticism made upon the law, to the effect that it creates a monopoly in the business of shipping seamen, and so prevents the healthy and useful competition which would otherwise exist among shipping masters, is occasioned doubtless by a misapprehension of just what is the Commissioner's duty. He is among other things to "*superintend the engagement and discharge* of seamen in manner described." Any man can engage in the shipping business that chooses to do so. A captain may provide himself with a crew wherever and of whom it pleases him, only providing that the Commissioner, both for the sake of seamen and masters *supervise* the engagement and discharge of said crew, attending to the articles, advances, settlements, &c., it not

being required that even the articles or crew list shall be procured of the Commissioner, but may be bought of any stationer keeping them for sale.

As it is, captains not infrequently bring their men with them to the Commissioner to have them regularly shipped, one of his deputies stating that, "a large number shipped at the Seamen's Exchange were brought there by captains and mates."

The result of their inquiry *in regard to the law itself*, its CHARACTER and OPERATION, has been to satisfy your Committee, that by the majority of responsible shipping merchants, masters of vessels, sailors, commercial men, and persons of careful observation and intelligence, whose opinion is of value in the matter, it is held to be not only without serious objection, but that it is accepted "as beneficial to both sailors and ship owners;" and agreeing with Mr. MINTURN when he gave it as his judgment that "the abolition of the law would be a misfortune," your Committee are of the opinion that its repeal would be *generally considered a public calamity*.

The leading opposition to the law comes most naturally from those classes who thrived upon the abuses which were formerly practised upon seamen and owners; and now that their chances for "blood money" are in a measure cut off, they seek, by the repeal of a law that promises in time the complete removal of the evil complained of—a repeal for which they are making liberal disbursements—to have the old system restored, notwithstanding its cost and outrage. Others are asking a repeal of the law from considerations of a different *if no less selfish* character, for, as was stated by one of the gentlemen before your Committee, himself a shipping merchant, "the law has interfered with them, and they want it out of the way, so that they can go on with their business as before." The same gentleman mentioned the case of a friend of his who signed a petition against it, and opposed the law, simply because a check of his was sent back to him from the Commissioner's office in the time of the panic. He further stated that, "among the members of the Ship-

Owner's Association, are those who do think that Captain DUNCAN is arbitrary. Others again, think the law expensive to them, some who fail now to receive the sums, anywhere from $\frac{1}{2}$ of 1 to 5 per cent. in commissions, which they used to get from the shipping masters for the privilege of shipping their crews.

An analysis of a printed list shown to your Committee, and said to be the names of *ship-owners* petitioning for the repeal of the law, shows that of the 112 signatures, 48 never had any business at the Commissioner's office as ship owners, and are believed not to be such; 13 are ship agents merely, and 37 *are ship-owners and agents who, having violated the law, are liable to large penalties, unless the law is repealed.* There are those, doubtless, who conscientiously believe that a repeal of the law is called for, but your Committee think that it is because of a misapprehension of its intent and requirements; some probably having been persuaded to consider it a creation of the Commissioner, and operated for purely personal ends.

That the ADMINISTRATION of the law in the port of New York has been faultless, is not pretended by any. Your Committee had heard it severely criticised, and supposed that there must be some foundation for what was charged against the Commissioner, not only in the rumor of the street, but in widely circulated documents and pamphlets, anonymous and otherwise, (copies of which were furnished them), and by correspondents of certain well-known daily papers, with an occasional editorial endorsement.

To arrive at the truth of this matter, seemed to be important. Persons known to be inimical to the Commissioner were accordingly invited to present their side of the case, and your Committee, allowing almost unhindered liberty, patiently listened to whatever was offered.

The Commissioner was denounced in their hearing as unfit for the place he occupies, as disobliging, arbitrary, and extortionate; as misconstruing the law; as in various ways exceeding his powers; as having no higher than a mercenary

motive in the conduct of his office, and as largely governed in making his appointments by family favoritism.

As to *direct charges against him*, it has been a surprise to your Committee to find how comparatively insignificant most of them were, such as requiring excessive fee for boatage, and depositing seamen's advances in the Savings Bank, (of which he happened to be the President, without salary) a thing, by the way *which was never done*; and how susceptible of explanation those were, that seemed in anywise serious, such as illegally charging for re-shipment, as in the case of Capt. THURLOW's brother; refusing certified checks, and demanding currency, for deposit of captains, during the short time when currency was not to be had by him for ordinary business, except at a premium; and allowing his outdoor men to speculate in shipments, when but a single case of the kind was ever known, two dollars once being taken from a landlord, for which, upon its being proved against the man, he was summarily dismissed.

As with the Committee of the Ship Owners' Association, quoting from the second page of their report, "a variety of charges of misconduct in office, extortions, &c., were made before us, against Capt. DUNCAN, but *none of them were sustained by the evidence adduced, while several were conclusively disproved.*"

It is in evidence that the general business of the Commissioner's office has been transacted with despatch and satisfaction, that while the bearing of the Commissioner has been decided, it has also been, like that of his deputies, courteous and obliging. He has, it is true, employed three of his sons, in different departments, but it was simply because they were qualified for their work, and were willing to work there, at salaries no greater than they could have readily obtained elsewhere. It is in evidence in regard to them, that they are eminently competent and industrious and acceptable, and are sons of which any father may be proud.

The Commissioner's chief deputy is one of the most experienced shipping masters in the port, having been engaged in the business for over thirty years; another deputy was

as long engaged in the same calling, while still another was himself a shipping master for the Navy prior to the new order of things; all which to your Committee seemed to indicate the purpose to secure the best help and the largest possible efficiency in administering the duties of the office.

It is enough to say in regard to the charge that the Commissioner has misconstrued the law in certain official requisitions, that he has been fully sustained therein by the Court, not the Court however, that appointed him, as some seem to suppose (the U. S. Circuit Court), but by the U. S. Court of the Eastern District, Judge BENEDICT presiding. In view of this fact your Committee do not think that any exception can reasonably be taken to that part of the Commissioner's administration.

His use of the income of the office to defray the expenses of the same, has been thought to be altogether unauthorized. Their inquiry as to this has satisfied your Committee, that the Commissioner is doing no more than the law requires him to do, and that his arrangements for transacting the legitimate business of shipping and discharging seamen, in the chief sea-port of the second commercial nation of the world, are no more ample nor expensive, than are actually necessary.

In his application of monies received (and accounted for in his official report) your Committee have evidence that he has acted under legal advice approved by his Honor Judge WOODRUFF, and as is shown from its history, really in accordance with the intention of the law. No other construction could logically be put upon it, when its different parts are allowed to interpret each other, and when also considered as a whole, itself providing an income that shall pay for what is required to be done, and foreshadowing in what it requires, how its income, and how much of its income, shall be applied. It would have been well no doubt, had the law been more definitely drawn on this point; or had the different parts of the law been adjusted to each other, subsequent to certain alterations which were made in the original draught, as for instance, in the third line of section 3 and in the sec-

ond line of section 4, striking out the words "at his own proper cost," and "at his own cost," and inserting after "therewith" in the fourth line of section 4, the words "the expenses of which and for necessary clerk-hire, shall be taken from the fees." This is suggested, as worthy of consideration.

The impression is sought to be produced abroad, that the Commissioner is enriching himself from perquisites and fees, over and above his specified salary.

It is in evidence before your Committee, that while for the first several months after it was opened, the income of the office was in excess of its expenses, upon the withdrawal of the West India and California business, *it fell under*, when the Commissioner supplied the deficiency. Since that trade has been restored, the current expenses are met by the income, and a slight payment has been made from month to month upon the old deficit.

It still remains however, that up to the close of last year, 31st December, 1873, after paying the expenses of the office there was not balance enough remaining to meet the specified salary of the Commissioner by the considerable sum of \$1,524.46.

The following interesting statistics for the year 1873, may properly accompany this statement.

Total seamen supplied.....	16,756
" " reshipped	1,798
" " shipped without advance... ..	7,800
<hr/>	
Total seamen paid off.....	15,832
Cash paid into seamen's own hands and while sober, for wages due and accruing.....	\$1,181,103 17
" paid into Court for wages of deceased seamen.....	3,945 10

Staff in Commissioner's office, December 31st.

6 Deputies,	1 Commissioner,	4 Clerks,
10 Special Deputies,		7 Out door officers.
<hr/>		
Total fees received.....	\$37,831 65	
" fees from coasting trade included above.....	436 00	
" expenses.....	39,356 11	

It was referred to your Committee, still farther to inquire whether any AMENDMENTS can be suggested, that without impairing its integrity will render the law altogether unobjectionable. To inform themselves upon this matter, your Committee, very early in the session, made it a point to ask from the various parties and interests that were represented before them, for any objections they had to the law, and also requested that if objections were known to be entertained by others, they should be frankly and fully stated.

The result has been, that probably everything that could be reasonably offered against it, has been presented and in the strongest manner possible ; while various propositions have been submitted, which doubtless were honestly thought would serve to improve the law and enhance its usefulness.

Some were for extending, some for diminishing its range of operation. Some were for making it more stringent, others were for making it less so. Some related to certain important and essential features of the law itself, some to the mode and cost of its administration, and some simply to certain matters of personal convenience.

Your Committee are by no means prepared to say that the law is free from defects, and is not capable of improvement, but it is clear to them that as yet there is no such sufficient agreement, even among good, intelligent men, friends of seamen, and lovers of order, about what will improve the law, as to justify any recommendation upon the subject at present.

It is evident that what some propose, thereby thinking to better it, others would conscientiously regard as weakening it, and an immeasurable damage to it, if not the very destruction of the law itself. On this account, it seems quite too early to pronounce as to what might be advantageously attempted in the way of its amendment. The law as yet is comparatively *untried*. It plainly is not yet understood by many, who it might be supposed would understand it, from having almost daily business relations with it. Merchants and masters are but just coming to be familiar with its working, liking it better, the more they come to

know about it, and to adjust themselves and their business to its requirements: while the officials of the law, having also still much to learn in regard to both its strength and its elasticity, have not had time to test its full power either in helping the right or in wisely removing commercial embarrassments and personal grievance and wrong.

It may be safely said however, that the Commissioner would do well to keep a book for the entry (without fee) of re-shipments proposed, such as he cannot and does not charge for; and also that he should give more attention than heretofore, to the matter of apprenticing boys for sea service, encouraging it in every proper way, for the sake of our merchant marine. This also is deemed worthy of being seriously considered.

Your Committee believe that all original compacts and agreements among those friends of the law, who united in procuring its enactment should be faithfully carried out, especially such as relate to certain contemplated exemptions; and they venture to suggest, that a conciliatory policy in this matter, will accomplish very much, in securing the popular favor.

The general CONCLUSION to which your Committee have arrived, after their patient inquiry into the whole matter referred to them, is as follows, viz. :

I.—That the law as it is, is doing good service, and working advantageously, alike to seamen, to ship owners, and to masters of vessels, AND SHOULD BY NO MEANS BE REPEALED.

II.—That while in some particulars it is capable of amendment that would probably make it a still greater good than it is, just what amendment is called for, can as yet, hardly be indicated, more time and experience being necessary to test the law and familiarize all parties concerned, with its mode of business, and its various provisions and requirements.

III.—That the law is chiefly opposed by those who have personal reasons for disliking it and wishing it out of their way; while others are opposed to it because they have not informed themselves concerning it, and who, from this cause,

or from its persistent misrepresentation in their hearing, have not come to understand either its intention or its practical benefit.

IV.—That the administration of the law in the port of New York has been efficient, and under all the circumstances singularly judicious, calculated to promote the interests of commerce, and to preserve a mutual good understanding between the sailor and his employer, protecting both from wrongs that previously existed to an intolerable extent, and which are admitted to be gradually disappearing.

V.—That the generous co-operation *for the common good*, of all the parties concerned, (at perhaps a temporary personal inconvenience,) in assisting and maintaining its administration, will not only serve to relieve the law of what objectionable features are apparent to some, but will also give it increased effectiveness in securing both individual right and prosperity, and the general commercial welfare.

Thus concluding, your Committee recommend to the Board, with the facts and suggestions foregoing, the RE-ENDORSEMENT OF THE LAW, and the transmission of this Report, and the evidence referred to therein, to the Honorable Representatives from the State of New York in Congress assembled, respectfully asking their consideration of the same.

Signed :

WM. A. BOOTH,	} COMMITTEE
R. P. BUCK,	
HORACE GRAY,	
JAMES W. ELWELL,	
DAVID GILLESPIE,	
JOHN D. McKENZIE	}

New York, January 19th, 1874.

APPENDIX.

A.

METHODS OF BUSINESS AT THE OFFICE OF THE U. S. SHIPPING COMMISSIONER, AT NEW YORK.

As to Steamships.

These vessels, generally, have a large portion of their crews remaining on board, and to avoid interference with their duties, the loss of their time, and the temptations to intoxication which would occur, should they be brought to the Commissioner's office, the work of supplying and of paying off is all done on board.

On the arrival of each foreign-going American steamer at this port, a purser's pay roll is sent to the Commissioner's office, for examination, a day is fixed for the paying off the whole crew, and re-shipping such as are willing to go another voyage. For this latter service, no fees are attached. Another day just previous to sailing is appointed to ship the balance of crew, and at the hour of departure, Commissioner's deputies see that all the crew are on board and orderly: substitutes for deserters are engaged, and the vessel finally cleared. Deserters and otherwise bad characters are recorded in a *Black List*, and are not re-engaged in any steamship, except on good reasons. Thus, each steamship requires the service on board, of Commissioner's deputies, three times, while in port. No extra charge is made for such service. Three deputies and one clerk are employed in this department.

Should the expense of providing crews bear more heavily on steamship-owners, under the present law, than previously, it is because of their frequent changes, and the remedy seems to be in their own hands, for as before stated, there are no fees for re-shipments, and if men are so fairly treated that they will have no good reason for leaving their ships, and if, being willing, they are kept on while in

port, instead of being discharged in order to save a few days' pay, there would be no shipping fees, and a long step taken towards well drilled, well disciplined and efficient crews in our steamships, and in this way, so far as they are concerned, the safety of life and property would be greatly promoted.

This department also keeps a Register of seamen, a Mutual Release Bond, a Record of the Characters of Seamen, and a Register of Steamship Seamen, also sees that seamen discharged are provided with Certificates as required under the Law.

There are as many seamen in the steamship trade as in sailing vessels.

Paying off Seamen, in Sailing Vessels.

This department is conducted by two deputies, who inspect all seamen's accounts, correct all errors, arrange many differences between the captain and men, see that every man while sober, receives into his own hands his correct money, and his Certificate of Discharge, keep Mutual Release Books, a Register of the character of all seamen, and a Register of all seamen paid off under the Law.

Shipping Department, Sailing Vessels, Foreign.

This department is conducted by two deputies, one special deputy, three clerks, and generally about eight out-door men. The usual mode of procedure is as follows: the captain of an out-going ship calls at the office, gives the order for a crew, opens his articles, signs his own name, and signifies his intention of selecting his crew on a given day and hour. This notice is put on the black board in the Shipping Room, and at the specified time, out of a crowd of sailors attracted by the notice, numbering often ten for every one wanted, he will select and engage his crew. The men must be sober, and have the voyage and contract explained to them: they sign two sets of papers and receive their advance notes. Very frequently captains will bring their entire crews, which they have selected, on board, along with them, and in no case does the Commissioner exercise any right to the choice or selection of seamen, unless requested by the captain to do so. This, if men are plenty: if men are scarce and the captain so request, the Commissioner uses his best efforts by means of his out-door men in procuring them. If captains prefer to procure men themselves, no objection is ever made, provided the law is not violated.

The crew shipped, three sets of articles are made out, (two originals and one copy)—a record of the crew made in the books of the office, certificates for each man shipped, given under the seal of the office, and attached to the crew list or articles; certificates under Sec. 44 given, advance notes for every man of the crew made out, entered and given into the sailor's own hand, while sober, a deposit to cover this having first been made by the captain, and

the ship cleared. Next comes the notice of the hour of sailing and an order for the crew to be rendered on board. This is required six hours in advance. Crews are required on board, and furnished, at all hours from 5 A. M. until 7 P. M. Orders are given to the outdoor men, whose business it is to find the seamen, either at their houses or elsewhere, and get them on board in time, and very rarely is there a failure. On board, the men are mustered, identified and questioned as to their landlord's accounts. If these have been unjust, they are corrected before the advance note is paid; missing men and deserters are satisfactorily replaced, and the ship goes to sea—a return of which with an account of all changes in the crew is made to the office, by the officer who had been detailed to that ship.

The accounts of the ship are made out immediately, and sent with a check to balance to the agent. A deposit of a few dollars more than the estimated amount of the bills, is usually required, in order to cover any unusual expenses that may possibly arise in getting the men on board.

The Advance Note System.

The management of advance notes, which the law only requires the Commissioner to witness the delivery of, by the Master to the seaman, has as a matter of necessity, fallen upon the Commissioner, and without any desire on his part. Whenever a man is shipped, his name and residence are entered in a book kept for the purpose, and an advance note, usually for one month's pay, due three days after the vessel sails, is given him. When due, this note is presented to a clerk, who examines the returns, to see if the man named in it, went in the ship, if the ship has actually gone, has not put back—compares the note with the stub, to guard against altering, checks it in red ink, and sends the bearer, with it, to the cashier, who examines the indorsement, compares it with the signature on the Articles, which he keeps by him, and if correct, pays it.

Cash Department.

This is conducted by one deputy and a clerk. All cash paid into it, comes from the other Departments, and is receipted for, by it, to them. And all cash paid out by it, is on bills checked and entered by them. Cash balances were kept, 1st for a few weeks, in the Mutual Benefit Savings Bank, Park Row, 2d in Marine National Bank, 3d and now, in National American Exchange Bank. None were ever kept in the Bank in this building.

B.

EXTRACTS FROM STATEMENTS MADE TO THE SPECIAL COMMITTEE,
TAKEN DOWN FOR REFERENCE, AND REFERRED TO IN
THE PRECEDING REPORT.

DECEMBER 9TH.

CHARLES C. DUNCAN, *U. S. Shipping Commissioner*.—The sailor landlords sometimes give \$50 at a time, to a captain or to a mate of vessels, to take such crews as they will furnish, even now. If the Commissioner knows this, he will prevent it, but will not deter the captain, if he comes, from choosing the same men without bonus. All this \$50 really comes out of the sailors.

A deposit over and above "Advance," is required at my office from owners, or captains, in shipping crews, to cover any expenses to be incurred in getting them on board, &c. The balance over, if any, is returned after such service and shipment, at once, upon the rendering of accounts for such shipment. If no such expense has accrued, the whole deposit is at once returned, upon the settlement of accounts for vessel and crew. At times there may be a delay of a day or two, for a press of business makes it necessary, seventeen ships being cleared, in one day, last week. Then the accounts may not be settled for two or three days after the sailing of the vessel.

CAPT. BLAKE, *U. S. N.*—Have a Naval Rendezvous in Seamen's Exchange. So far as relates to sailors, I consider that this law works well. As to the *personnel* of the ship, this is true, in every respect. Here the captain of a vessel has his pick of the men he is to have on his vessel. By the old way he never saw them, until they were out at sea. The law works badly for the pimps. I have yet to find one respectable sailor who will say he wants the law repealed. As to the names signed (of sailors) to petitions for repeal of the law, they are fraudulently obtained, obtained for a drink. One landlord was before us, the other day, to enlist a man, whom he said owed him \$16. I found the charge of \$16 was for a cup of coffee. In my judgment, the law is only too lenient. It would be desirable to have no changing of seamen on ships, or as little as possible. The Cunard steamers employ the same men for years, as common sailors. They can and do have their crews all organized for any emergency. I would recommend an amendment to the law that whenever practicable, the crews of all out-going vessels, steamships particularly, should be shipped, long enough before sailing, for them to be organized into boats' crews, and to be ready for any emergency. Now, there is nothing of this.

Yesterday I knew a sailor coming from Brooklyn, with \$47 in his pocket. He started for the Sailor's Home in New York, stopped at Mrs. McKenzie's, was invited to drink, and they charged him \$15 for two drinks.

J. H. JENKS, *Deputy U. S. Shipping Commissioner*.—My father and brothers have shipped seamen for thirty years. I have done it for the navy, prior to acting here in the Exchange. Under the old system the shipping master charged \$2 to \$4 per man, to the owners, for all seamen shipped. Charges varied very much. When a shipping master charged the sailor a higher price than at other times, he could afford to charge to owners, so much less. They expected to get at least \$5 any way, from the sailor, on the average, for shipping him any where.

I consider the shipping law the most just law ever passed for seamen. It assures to them the receipt of their money for wages, without fraud.

The Commissioner, in my judgment, should have the control of all seamen sailing out of port. It would work to great advantage in securing a better class of seamen than now, as to character and general availability. We keep here a book, in which we put down from our knowledge, the characters of given seamen, on steamships. (*Book of Deserters, &c., exhibited.*) Under the operation of the law in the getting off of steamers, six such vessels, are often cleared, now, without one seaman drunk or fighting. The Firemen and Coal Heaver's Association of New York have lately had a meeting, and passed resolutions repudiating any connection with the so-called procession of seamen, against the law, November 15th, and endorsing the law, which they forwarded to Commissioner DUNCAN.

(*The original Resolutions were produced to the Committee, by Capt. Duncan.*) All good seamen endorse the law, most heartily. Its penalties are always explained to sailors when shipping. Under the old system, all money due to deserters from the ship, went into the pocket of the captain of the ship. This is prevented now.

Seamen are always paid off (steamships) on each voyage, and it is entirely optional, with them, whether they ship again, or not. I think it would be a wise thing if there could be some provision put into the law, by which the time set for the crew to be paid off, should be so fixed, that it should be done at the time set—now our officers from the Shipping Commissioner's office are often kept waiting to do this, all day, and sometimes until 10 o'clock at night. Steamship captains do not complain of the law, now.

J. H. PENTZ, *Chief Deputy U. S. Shipping Commissioner*.—I have been in the shipping business for 30 years: shipped crews under the old system. The practice of extorting "blood-money" from the seaman for getting him a voyage (by the old shipping masters), came in twelve to fifteen years ago, here in New York, and the system was carried on in connection with the consignees of vessels as principals. The shipping masters got accustomed, finally, before the shipping law came into effect, to charging the sailor just what they pleased, for getting him a vessel, in proportion to the demand for men. I recollect that on the *Donald McKay*, when she first sailed for China, from \$6 to \$7 per man was charged by the shipping masters. And

not seldom consignees of vessels too, exacted a commission per man, from the shipping master, for the privilege of doing their business. I used to charge owners of vessels sailing to Liverpool, \$4 per man; sailing to China, \$3 per man.

The consignees of vessels are opposed to the law, because before its administration they were in the habit of getting their men shipped with no expense to themselves. What we call "blood-money" came directly out of the sailors. I remember once, in a case where I had used \$2,800 in paying off a crew, I presented a bill of \$10 to the owner for it, and he told me that the shipping masters who did his work, were in the habit of giving him \$20 for the privilege of paying off his men.

In the office (U. S. Commissioner's) I attend to shipping men; supervising the whole operation. I come in contact, of course, with ship captains. Some captains who are brought into contact with West India Houses, do complain of the law. I do not know why: they give no valid reasons. As near as I have heard, and can say, the principal objection to the law, which is made by them, is the coming up three pairs of stairs to the Commissioner's office. No complaints from shipping merchants come to me.

I do not know of any points of improvement to be made in the law, as it stands. As to personal complaints and personal abuse, here at the office, I have had more from the shipping masters, since administering this law, than ever before, in my whole life.

Under the old law, the Sailor Landlords' Association would discriminate against particular shipping masters, and they had no redress. I was obliged to pay \$50 to the Association, without receipt given, even, because I did not comply with some regulation of theirs—or they would prevent my shipping men. They would not allow me to pay it under protest—would not take it in that way. A large majority of sailors coming to this port, are in favor of the law, and now, a majority of the boarding house keepers, too.

As to Capt. C. C. DUNCAN, I don't believe any other man in the city of New York could have managed the administration of the Law, as well as he has. I was desirous before I knew Capt. DUNCAN, that another man should be appointed Commissioner, but I see that he would have lacked the nerve requisite to execute it.

DECEMBER 11TH.

J. H. PENTZ.—Under the old system of shipping seamen, many features were the same as now. The expense since the war is greater than before. Prior to the war, the ordinary expense of shipping men was \$2 per man. After the war, that of shipping men in European ships, in my own shipping office, was \$4 per man: during the war \$5 per man. The merchants used to pay to other houses about \$3 per man for sailors: we got more. There was no question that every shipping house aside from ours could afford to charge merchants less than I did, for we never took a dollar from

any sailor for getting him a voyage. As to the voyages around the Cape, some merchants paid me \$4 and others \$3 per man, since the war—before the war \$2 per man. A large part of my business was to pay off crews. For this I charged \$10 for large vessels and \$5 for a small one. With us, the ship owners and captains always paid this: none of it ever came from the sailor. I received not quite 50 cts. per seaman, for doing this.

As to the shipping of crews by other houses, many of them got their compensation by exacting "blood money" from the sailor. This was the universal practice, and well known. When there was an excess of men in the market, they charged the sailor anywhere from \$6 to \$8, for getting him a voyage. The merchants where I did business, would never allow this. This blood money was exacted by the shipping masters, not by landlords. They got their perquisites from the sailor by overcharging him on clothing, tobacco, rum etc. etc., or getting a commission, in some cases, from the clothier, for all goods sold to Jack.

I have heard that the consignees of smaller vessels, sailing out of this port, not seldom, having money left with them, to pay sailors for their voyages and for their advance, shared a percentage, per man, of it, with shipping masters.

I think that the U. S. Shipping Law, if ship owners and the Commissioners could cooperate in its working, is a very good law. I don't think it could be materially improved from what it is now; though I always contended, and do now, that if the old system of shipping seamen had been conducted as I conducted my business, then, there could be no improvement on that. But there would be no safety for seamen in this port, from the old shipping masters, if we should go back to the old system of things. There are plenty of those masters who would seize upon the sailor like ravening wolves.

As to the administration of the law, I have this to say. I went to this office (Commissioner's) unexpectedly, but since beginning with it I have been absent but one day. The business has been conducted, there, as fairly as possible. I don't think that Captain DUNCAN is too severe. I have never seen him exhibit temper or violence there—he seems disposed to be impartial. The boarding house keepers, at one time, appointed a committee, and demanded that he should pledge himself to ship no man, unless he boarded with one of their Association or was endorsed by them: he would not grant this. I would not assent to such a demand when I was in business for myself, and was suspended by their Society, twice. This question often came to me in my old business, and I did not dare openly to decline. If I had, they would not have allowed me to get my men for vessels. I got men from Connecticut, and elsewhere, often unbeknown to the Association. Capt. DUNCAN's sons are efficient, accommodating and attentive. As to the receipts of the office, I think the total amount now received will run under \$40,000 *per annum*.

Can't say as this is more or less than the whole receipts in the port, under the old system. I don't think (from my figures) that the Commissioner will get his \$5,000 salary out of the receipts this year, and pay the expenses of the office. I think that the salary of those in similar public positions to those occupied by DUNCAN's sons, is greater elsewhere than what they receive for same amount of work.

As to the paragraph 1, on page 7 of "Report" of Ship Owner's Association, I am very sure that if the appointment of Commissioners were taken out of the power of the Judges of the Courts, and made by politicians, the interests of commerce would suffer greatly. As to having a Commissioner at the Custom House, to supervise the shipping of seamen, it would be a moral impossibility to ship men there. As to having an officer at the Custom House where the shipping of seamen should be carried forward, I say the same thing: the truth is the objections of this sort settle down into objections against climbing three pairs of stairs at the Exchange. But the Exchange is well situated as to procuring seamen, being near them. I repeat it would be impossible to ship men at the Custom House.

ROBERT B. MINTURN.—I was chairman of the Committee of the Ship Owners' Association which made the "Report," now here. The views prevailing in the Association were diverse, and a Committee was appointed to represent all views. At first it seemed hopeless that we could come to any unanimity, but we did finally come to a perfectly definite conclusion, which is embodied in the Report. We acquit Capt. DUNCAN of all the specific charges made to us, against him, and come to the question of his general administration of the Act. We took legal advice, and came to the conclusion, as we said, that his general administration is not in accordance with the Act, and needs modification. We believe the general principle of the law is a good one. The *gravamen* of our charge against the general administration of the law, is, that the Act does not contemplate any Commissioners having the monopoly of shipping seamen, and under his administration he takes it. We hold that the intent of the law was, that here, as in England, the Commissioner shall simply be a supervisor of the shipment of seamen by others, and see that the thing is properly done, that articles are properly signed, advance paid, &c., &c. And we hold that after all parties got used to the law as thus interpreted, the men would present themselves.

Let us see what Congress meant in this law. We think that not even a comma could be introduced which would make it any plainer as to what Congress did actually mean in this law, and that our interpretation is right,—because of Sec. 66. It is preposterous that Congress did mean that with \$5,000 the business of shipping sailors should be done, here, in New York, if carried on according to Capt. DUNCAN's interpretation.

The U. S. Shipping Commissioner, being called on by the *Chairman of the Committee*, to explain how Sec. 66 came to be introduced into the law, said :

"After this bill had gone through both House and Senate of the United States, and was being read for final action and passage, Mr. Hale, of Maine, (I think it was), stated that in the larger ports the fees might yield a salary too large for the services of the Commissioner, and proposed an amendment limiting his salary to \$5,000. This was adopted in the form of a new section (66), and, noticing the phraseology, I inquired of Judge Conger, who had charge of the bill, if such a construction as Mr. Minturn has given it might not be attempted: he replied, nobody but a fool or knave would construe the law, if Sec. 66 were put in, in such a way as to make it assert that \$5,000 was all the sum appropriated by the Statute to cover the expense of administering the law in such a port as New York, or other large city. I saw my counsel, after the Act was passed and they gave me an elaborate opinion, sustaining my interpretation. This I sent to Judge Woodruff, of the U. S. District Court, and he returned to me a letter, saying that it would be incredible that Congress had any other meaning, and advising me to go by the opinion of my counsel, I have done so, and this interpretation has been sustained at San Francisco and Boston."

Mr. MINTURN resumed.—As to the practical execution of the law, we object to a complete monopoly of this business, and think that by it all the abuses of the old system are likely to be continued and increased and multiplied.

As to seamen being abused under Commissioner DUNCAN'S administration, we had many charges before our Committee, but we had no power to examine, and could not go into them thoroughly, but this I say, no one case was proved against him. It seemed to us, however, that abuses of this sort might occur, and that in future, under a monopoly of this sort, would occur. There would be no competition in shipping to prevent them. The truth is we object to the principle of the law as a monopoly.

I have been at the Seamen's Exchange, though not when business was going on. As to the shipping of men under this law guaranteeing to seamen more uniform rate of wages than ever before, I don't know.

(*The U. S. Commissioner*, in reply to a question from *one of the Committee*, said, that he had refrained, as Commissioner, from interfering, in any way, with the rate of wages for seamen, objecting of course to all blood money, but "it seems to me that it is now easier than it ever could be before, in this port, for ship owners to get together, and establish what they consider fair, as a rate of wages, and secure it.")

I don't see how the law is calculated to regulate wages of seamen, except as Capt. DUNCAN, with power for the owners, may choose to

use it, for the monopoly. The trouble between us and Capt. DUNCAN is as to the radical interpretation of the law. I think the power of selection of his men by the captain of a vessel, under the law, is a good thing. I don't think it necessarily requisite to have men employed to get sailors together, in such an office as that of U. S. Shipping Commissioner. As to abuses in the administration of the Act, we object to being obliged to go to the Courts, and have them removed—for we want all Executive and Judicial Officers separate and distinct. We desire that the U. S. Shipping Commissioner should be appointed by the Secretary of the Treasury, and then if there be abuses, we are willing to go to the Courts to correct them. We do not conceive that the method of remedy, in such case, ought to be, to be obliged to go to a superior officer, to correct the wrong doings of his inferior. I think the principle of having the Commissioner merely a subordinate of the U. S. Court, (when the Court is the body to appeal to from his action) is wrong. And I think, practically, that our appeals (GRINNELL, MINTURN & Co.) to the Secretary of the Treasury, when we have had any commercial abuses to be corrected, have been heeded. Perhaps we have been more fortunate than others. Our construction of this law is against that of the Courts, and we mean it to be so.

The U. S. Shipping Commissioner explained that it had been the purpose from the first, of those who were instrumental in getting the shipping law enacted, to keep all its appointments out of the hands of political parties. So far he had been very successful in this.

The Chairman of the Committee said: "I know of no man in the community who has done one-half as much for the benefit of seamen, for seven years past, as Capt. DUNCAN,—and yet the Ship-Owner's Report has no recognition of that, how is this, Mr. MINTURN?"—*Ans.* "I said, Sir, that we surrendered our individual views on many points, when we made that Report."

Capt. D. GILLESPIE, said: "We used to ship our men on shipboard, when I was an officer on a ship. They were picked out at the Shipping Office, and then brought on shipboard. I sent them to the captain, and out of twenty men whom I had picked, often not more than two would come, the rest drunk, full of *delirium tremens*, &c. The first thing to do after we got out to sea, was to search the fore-castle for liquor, and destroy all they had. This condition of things I knew for twenty years."

G. A. BRETT, I claim that Capt. DUNCAN misconstrues the West India clause of this law: I was in favor of the law, and in favor of DUNCAN as Commissioner, but I have lived to change my mind. I am now in favor of repealing the law, and if that can't be done, of changing the Commissioner. I believe that in this, I represent nine-tenths of the ship-owners of New York and a majority of the sailors.

(*U. S. Shipping Commissioner.*—I asked Mr. BRETT the other day when he raised the point about \$5,000 salary, and said that all fees over and above that should go into the U. S. Treasury, whether he really desired to put money into the Treasury, or kill the law, and he replied, "I want to kill the law.")

I admit that I do want to kill the law. Capt. DUNCAN never ought to have brought a case, under this law, to Court, for he knew the intent of the Act. The sailor has not been elevated by this law. There is no Captain in my employ, who is in favor of the law as now administered. The swearing men,—I have not many—swear dreadfully, about going up to the Commissioner's office.

J. W. ELWELL.—I am surprised at Mr. BRETT's statement about his captains. It is not so with me. I knew a captain who said, though \$140 was on the books, to a sailor's credit, that \$60 was what was due to him, and gave that to him as his wages. "But" said I, "\$140 is his due." "Well, now," says the Captain, "I give him but \$60, for \$60 is all that is good for him; if he has the \$140, he will fool it away; the bad men will get it out of him. I saw the captain do this. Now, too, as to several cases under the old shipping system, I have known this state of things: The sailor comes back, and the captain says—this man never had his advance, and we have paid it a second time, repeatedly the shipping master when we go to him, says: "I paid it to the landlord."—I think this law is good for the sailor. Capt. DUNCAN knows, too, how to cut off those landlord's extras.

Mr. BRETT. *resumed.*—There were fifty shipping masters in the port of New York, at the time of the passage of this Act, heads of families, many of them christian men. Now they are thrown out of employment to make room for supporting one family, instead of fifty.

Question by Chairman.—Do you suppose, Mr. BRETT, that a business which it took fifty different offices to do, under the old system, can be done here, in New York for \$5,000 per year?

Mr. BRETT.—That isn't the question. The sailors have signed a petition for the repeal of the law, the ship owners have signed a petition, the Ship Owner's Association have reported against it—the shipping interest is opposed to it. As to the appointing power under this law vesting in the Secretary of the Treasury, I would think it a mistake to have appointments made under this act, for political reasons, but if Judge WOODRUFF has sustained C. C. DUNCAN's interpretation of this law, as said, in the letter of his, which has been referred to, then he isn't a proper Judge.

The U. S. Shipping Commissioner.—The income of the Office of Commissioners, through the Country, was, as the law was originally proposed, to be made to come in, from fees alone, but Sec. 66 was afterwards inserted, so as to guard against the Commissioner having too large fees, in any place.

Mr. BRETT.—Capt. LEAVITT, of the bark *Jer. Leavitt*, had to reship his own brother, as mate, before Capt. DUNCAN, though he staid on the ship; he was obliged, in sailing another voyage, to reship him, and pay fees for him.

The U. S. Shipping Commissioner, in explanation.—The Law reads: "On return of every vessel, a crew may be reshipped for another voyage without additional fees:" I have always meant to be liberal in construing the words "on return." I make the limit they are to cover, to be five days: after that they must reship if they sail again in the same ship, on her next voyage out, and I can't discriminate in a crew between a mate, or brother, or any relative. If I did, I should have crews fraudulently put upon me, frequently. I have never used the construction of the Philadelphia Court, about reshipment—it is very stringent, more strict than my practice.

Mr. BRETT, *resumed.*—As to Sec. 12, we shipped a crew to the West Indies, outside DUNCAN'S office, and paid them off, and then got a note from his office, that if we did not come up and pay him his fees, then, we should be fined \$50 per head. We went and paid them.

(The U. S. Shipping Commissioner explained, that the note merely said that if these were not paid, they were liable to a fine of \$50 per head, for each sailor shipped outside the office.)

I never knew of any case under the old system, where a sailor was compelled to go on board a ship, and sail against his will. We have the same shyster lawyer around our office, that we used to have under the old system. I see no improvement of sailors under the new law, as to immunity of sailors from suffering at the hands of those men. I moved, in committee (Ship Owner's Association) for application for repeal of this law. I look at it as a place for DUNCAN'S family to be supported. I don't oppose the law for its pecuniary damage to the owners of vessels.

The Chairman requested Mr. BRETT to furnish him the names of those whom he knew to be opposed to the law, that they might be invited to give their views upon the subject. Mr. BRETT said, call Capt. B. E. THURLOW, of South street.

DECEMBER 13TH.

S. L. HENDERSON.—I have been with GRINNELL, MINTURN & Co. for twenty years, as outside man for the House, looking after their ships. The shipping of seamen in this port, under the old system was carried on, in this way. Application was made to the shipping officers (masters) for the purpose of engaging crews, when they were wanted. They picked up the men and charged for that. Sometimes, on long voyages, the captains of the vessels would go up to the offices, and select their men, or they might send their mates to do this. Sometimes they would insist upon having, and got substitutes, for any

men they did not like. Their usual charge for shipping men was a commission, varying from 3 to $4\frac{1}{2}$ dollars. I speak of the prices our house paid Mr. PENTZ; we paid him more than we would to others, for he did for us a good deal of other business, acted as notary, etc. The ordinary price, outside PENTZ'S, was \$3 per man. For that, the shipping master was to put the men on board, and see that they got there. As to abuses then existing, I have heard it alleged that they used to bleed Jack, some; *i. e.* when men were plenty, and it was desirable for them to get a ship, the sailors made no hesitation in giving some of the employees of the office, \$5 or more, for getting them a berth. It was pretty generally understood, that they would do so. I have heard a report, too, that the ship's "husbands" had demanded from the shipping masters, so much per man, out of the crews shipped. I don't know the facts. I have seen sailors go on board ships, for voyages, when they didn't know where they were going, and when they got out to sea, I presume it was found, too, that there wasn't much sailor about or in them. This was a common thing during the war. I think the price for shipping before the war, was less than it was after the war.

I have read the new U. S. Shipping Law, and seen something of its workings. I think the management of the law, take it all in all, is decidedly in favor of the sailor. I think it is decidedly an advantage to him. I can't see how it can be a disadvantage to the captain, or owner of a ship. I guess the sailor's own opinion as to the law is about according to how much he's got in him—of whiskey, good or bad. The truth is, the sailor is bought up, soul and body by the boarding house keepers. They control him: there is a good deal of self-interest in that matter. As a general thing, I am not familiar among them, (the boarding house keepers), and don't want to be: there is a good deal of human nature in that class of men.

As to the administration of the law, the acts of the Commissioner, I have only seen the outside of the Commissioner's office. I don't know that I have seen anything, out there, decidedly wrong. I have had an impression and have so stated to the Deputy Commissioner on this matter. One of my duties is to audit the bills, and in the Commissioner's bills, I have found some charges that, as I read the law, it didn't authorize him in making, but they were small charges, and I have passed them. One of them, I remember, was something in connection with putting a crew on board ship: one item charged for, was for boatage, this is not in the law. When the Commissioner's administration first began, these charges were not made. They seemed to me, afterwards, to grow, and I said "we must look into the law, and see if these are right": it was for boatage, when I have known that all the men were at the *dock*, and got on board the ship there, and went to sea. These charges were in, pretty regularly, after they commenced to be in at all. I think Mr. PENTZ may perhaps have explained this to me. Another matter was this,

now I think of it. In one case we were charged \$1 for a Crew List. I sent up to Mr. PENTZ, and he said we would have to have it at the Custom House, so I let it go. There was a charge in Capt. DUNCAN'S bill for an official log: I don't know whether the law asks for it. (*U. S. Shipping Commissioner*: "It does; we don't oblige ship-owners to buy of us; we sell the log for 50 cents; it was not required until this law came into operation. The uniform charge for them, now, all over the country is 50 cents.")

U. S. Shipping Commissioner explained as to the need of having a third copy of the Ship's Articles, and a Crew List, an extra copy being called for by the U. S. Collector. It is only now and then that a Captain requires *us* to make his Custom House Crew Lists: they usually get their Custom House Brokers to make them. Some of Grinnell & Minturn's captains ask us to do it. I charge a dollar each, and give the money to the clerks. Mr. STOCKBRIDGE, when the law began, asked the privilege of having a desk on our floor, to make out these lists; I gave it to him, but he only made ten or a dozen, and then gave it up.

ROBERT B. MINTURN.—One word I would like to say. I should have said it here before, on, Thursday. My actions in this matter have been governed by conscience, and I can assure you that there are names of the friends of seamen in the Ship Owner's Association Committee, and they are convinced that the changes proposed by the Report in this law, would be for his benefit. In the mind of some of the gentlemen there, pecuniary considerations in which they were interested, may have operated, as they would seek to guard themselves against damage,—but it was not so on our Committee,—the majority of the Committee, too, were heartily in favor of all the recommendations of the Report. I am perfectly ready to admit that so far as the question of money goes, we (GRINNELL, MINTURN & Co.), are as well off under this law as before: that is no motive with us. I agree, that throwing the sailor back under the old system—and that the abolition of this law would be a misfortune, and I don't think those who are trying for it, will get it either, however much they want it. I don't think that the law should be abolished, or the Shipping Commissioner's supervisory action should be abolished. I believe that Secretary Richardson or Boutwell would make as good appointments to this office as any Judge would. There is no point whatever in which our house is not as well off, now, as it was under the old system.

The Chairman of the Committee.—This law was designed to protect the ship, the captain and the sailor. I had thought we were happy, in its workings, in that respect, and your (Mr. Minturn), present expression confirms that impression. I was in the China trade for twenty years, and we found another disadvantage under the old system—our captains always expected to be hauled up before the Marine Courts. Now, there are two to three cases per day on the average, of this sort, settled by the Commissioner.

Two shipping merchants, *members of the Committee*, confirmed the experience of the Chairman, in all respects, as to the old state of things, and the present condition of affairs.

Mr. MINTURN.—“What objection is there to exempting the West India traders from the operations of this law?”

U. S. Shipping Commissioner.—“The West India traders are under the law by the decisions of the Courts. As to the coasting trade I make captains and owners special deputies for the various lines of steamers. We look after the large sailing vessels, ourselves, but the small ones, nobody troubles. I should like to ask Mr. MINTURN, where is the room, under the change in the law which your Committee proposes, for the third party you have in mind,—to get men together—to come in? Now, the Commissioner does what you say he ought to do, witnesses the signing of articles, the men can come to us at any time, we don't need any third party to procure men. We require nobody to go outside to procure men for us, they are there in the Exchange.”

Mr. MINTURN.—I may say a word more, as to the history of the investigation in the Ship Owners' Association. It began before the decision by Judge BENEDICT was given—a good while before, and it ended after that decision. As to any influence I had on the Committee, I determined not to have the Committee used against Capt. DUNCAN, and I think we were not so used. As to the question of the abuses of seamen by landlords, we didn't conceive it to be our function to go into that,—that is notorious, and has been for a long time. I will, as he requests, send the names of any parties who might well testify before this Committee, to the Chairman, if any occur to me, in a day or two.

Mr. HENDERSON, *resumed*.—As to sailors themselves, I have heard some few expressions from them that they were glad to have the privilege of handling their own money. My candid opinion of the law is, that it is a good one, and that if it is well administered, it will benefit the sailor more than any one ever made for him. I don't know that there is any special or general objection to Capt. DUNCAN. There is a very great propriety in having for this office some one who understands sailors. Our vessels are now dispatched with some marked improvement in the condition of the crews when they come aboard. As to the facilities for getting men, perhaps they are about the same, for us, as they used to be. We considered Mr. PENTZ the best man in New York to do our business for us, and we find him now in Capt. DUNCAN's office. The promptness and efficiency with which we find things there, is just about as it used to be.

Capt. JORDAN of the ship *Rhine*, (one of GRINNELL, MINTURN & Co's ships).—My opinion is that this is a good, righteous law, working well, not only for ships, but for the sailor. I have been

master and mate for thirty years. I have seen a good deal that was bad in that time. Since the law went into operation I have had no difficulty in getting my crews, and have them come on board sober. In every instance we have had our crews come aboard at the dock. There is no shanghaeing now—there was much of it in the old times. I could mention the names of a firm who did this, who used to ship for us in 1855. I remember once when I took the *Lady Franklin*, out of twenty-four men that were supplied me, I got four that could steer, as for the rest they were plumbers, drivers, laborers, lime-burners, daguerreotype-takers, etc. They could not, some of them, handle a rope, and I remember I had to poultice their hands when they got blistered. This is one case of many cases I could name. We are free from all this now. I asked these men how they came to go to sea: they would say, I met a man on a ferry-boat or on the dock, and he said, “don’t you want go to work on a steamboat,” or some such place, and I said, “yes,” and they got me on your ship. I often had to hold these very men or have none. I would say to these men, “did you get your money from the men who brought you here?” “No,” they answered, “I got no advance, I only got this mattress, and oil coat, this pair of shoes, &c. &c.” I have had nothing, as I said before, of this lately. These things I have spoken of, are merely samples, out of many cases, say three out of four times when I have sailed from New York. From this shipping master of whom I speak, I went to PENTZ, who was a stranger to me. I could give more details than I have.

As to defects in the law, I have seen none in its practical working, not one. I am not conversant with the administration of the law; know nothing of any trouble with the Commissioner’s deputies; they are polite and courteous. I have not picked out any crews at the Exchange. I have used Mr. PENTZ there, I did have once a black crew; picked them out there myself, when sailors were scarce, and they did well. I consider it an advantage to be able to pick out my men. I never had any experience with the Marine Court; I used to fee a man to keep me clear of it. I have had one case of difference, between me and sailors, before Capt. DUNCAN, for adjudication, yesterday. I liked the way it was decided, very much; the facts were beautifully brought out. The Captain managed the case well; I like that feature of the law. Under the old system, I often found it necessary three times out of five, to get my ship into the stream, in order to get my crews on board, and often had to go to sea with my crew unfit to go to sea with. The first thing after getting outside was to search the fore-castle and destroy their liquor. There is hardly ever a dispute now between a captain and sailor; the thing is so systematic now.

Capt. B. E. THURLOW.—I have been opposed to this law and to this Commissioner. I am in the first place, opposed to anybody’s taxing me without my consent, and this has been so with me from the start, since it has been in operation. Take my own case. I have

been in business thirty-five years, as captain; I used to ship my men from three different offices. I have brought up, myself, twelve men and made them masters and mates; I left off four years ago. I never paid a man for shipping sailors, paid no fee for it. That isn't so now. That is a matter of dollars and cents. My vessels in which I am interested, some of them, lie up at Weehawken. They have to come clear down to the Commissioners office, and all my men have got to be shipped, my brother, even, and all friends.

One half the time I was a captain, I had men sent on board my vessels. The shipping masters always furnished articles. I used to have stationary men to the extent of one half my crews, and the rest were supplied me from the shipping offices. I paid \$2 apiece, for these.

I went up to the Exchange, once, to get a crew arrested for stealing—could not get them taken up. The way the thing works, now, it makes sailors no better. I never took a crew aboard my vessels lying in the stream. CLARK & DEAN used, sometimes, to give me drunken men, but the other two offices did not. Two men were in my office yesterday, swearing about DUNCAN.

I know that Capt. N. TRACY of the brig *Teneriffe*, took a sailor before DUNCAN, and wanted him docked, as not being an able seaman. DUNCAN said, that, to test that, the captain should have sent him up to furl a royal.

(*U. S. Shipping Commissioner.*—This captain told me he wanted the man docked \$5 per month. He said the man could steer: indeed, that he never set him at any job which he could not do. I told him that the general assertion that the sailor was incompetent, would not do, under the law; that if he had wanted to prove him so, he might have asked him to go up and furl a royal; if he could not do it, he was incompetent, of course.)

I think American ship-masters should not have to buy their lime-juice by law: our sailors are well fed—always have been. I don't like this provision of the law. I am most opposed however, to being obliged to ship relatives. I am opposed too to the location of the office: there is in my judgment only one way to run a good shipping office in New York, to have a grand, large boarding-house for sailors and have your shipping office there, and have control of it.

Most of the owners of vessels are small owners, of $\frac{1}{32}$ and $\frac{1}{16}$ of the ship, and if you hamper them by all these regulations it comes hard on them. I think that if the sailor isn't fit to take care of himself no one can take care of him. I have never been in the Marine Court, and never saw one. Have handled men roughly; had to. I once struck a man on his head with a stick, and it bled for half an hour—he was coming toward me with a knife; then I had him tied, shaved off the hair from his head, and put on a plaster. As to the decision of cases before the Commission-

er, we have one young captain now, who is pretty rough. A year ago, or more, he came in after having had trouble with a sailor, on a voyage, and was obliged to go before the Commissioner—he told me, before he went, that the worst thing for him, was, that the sailor had his pocket full of his own whiskers which he (the captain) had pulled out, to use against him, as testimony, and “he will prove his case.” After going up to the Exchange, he came back, and I asked him “how did you get along?” “Why” says he, “Capt. DUNCAN dismissed the case and I was satisfied.” I think our sailors generally, are better, the last eight to ten years, than formerly. I have always treated my men like human beings. I don’t think there is any less shanghaeing, now, than before. I suppose C. C. DUNCAN got up this law, himself.

The Chairman of the Committee explained the origin and the history of the law, going back to the N. Y. State Sailor Boarding House law of 1866, and tracing it thence. “This law originated among ship-owners in San Francisco.”

A member of the Committee added.—I know that if this law had not been passed, a law much more obnoxious, would have been, appointing a Commissioner in every State in the Union, to examine the qualifications of every sea captain, to inquire into the construction of every vessel, what lumber is used in it—what cargo she carries, &c., &c. It would have been more rigorous by far, than this.

‘DECEMBER 16th.

W. S. HOWLAND (of HOWLAND & FROTHINGHAM).—I am in favor of this shipping law, to a certain extent, but I do not think it benefits the sailor at all. I don’t see that it does or can prevent his being robbed by the landlords. The landlord gets the sailor’s money; I don’t see any other way than that he should; the sailor is in debt to him: say between here and Liverpool—the sailor owes the landlord there, all the advance he gets there, before he comes away; and it is just so, here, after he has been here a little while. He comes here, he hasn’t got a cent—and the moment he puts his foot on shore, the runners bring him to the landlord, and he is supported in expectation of getting pay for his support, out of the advance he is to receive. I take it for granted—don’t know—that there are some good landlords—and some bad ones—they come from the sea, themselves, often. The present plan of shipping crews works better, as to paying off crews, than the old system. Our house has been nearly out of active business. We haven’t shipped more than one or two crews, since the law went into operation.

We had to take for the *Sunrise* crew, anything we could get—we could get no good seamen, the ships could not be detained here, for they were liable to charges. Under ordinary circumstances I differ with the Commissioner as to his way of having a crew shipped. Under a republican form of government, every captain should have the

privilege of picking out his own men. I don't think that the law meant that the captain of a ship should be forced to go before the Commissioner and ship what men he finds there.

The U. S. Shipping Commissioner submitted a book from the Commissioner's office showing the cost of shipping men for certain houses and vessels, and Mr. PENTZ, his Chief Deputy, showed his own book kept by his shipping office before the law was enacted, in which the same vessels had been provided with seamen by his office, before the law went into operation. Instances exhibited and compared, were as follows :

a. On page 223 of the U. S Shipping Commissioner's Book, for shipping twenty five men for the ship *Cornelius Grinnell*, \$57 was the charge of the U. S. Commissioner. By book of Mr. PENTZ, same ship, twenty-three men, the owners paid in Oct. '71, \$96 50, \$4 per man.

b. Nov. '73, in U. S. Shipping Commissioner's Office, the ship *Constantine* was charged for shipping twenty-six men, \$55, and \$6 boatage. In Nov. '70, PENTZ for shipping twenty-five men, charged \$102 50.

c. The ship *Great Western*, under the shipping Commissioner, shipped twenty-nine men at a cost of \$61 00; under PENTZ, the same ship, for shipping thirty-two men, paid \$126.

(These instances fix the expense of shipping seamen under the law, here, at about one-half what it was before the law.)

Capt. JAMES H. LITTLE, of the *Star of Hope*.—I have been engaged, mostly in the California, China and Guano trade. I shipped a crew last April in San Francisco, before the U. S. Commissioner there—got a better lot of men than usual. I have shipped crews under the law, in Boston, San Francisco, and Baltimore, and have paid them off, here. I have been satisfied with the law, on trial, though I was prejudiced against it, by outside parties. The U. S. Commissioners in all these ports, treated me as gentlemen should; so has the one here.

I have shipped seamen for twenty years past. I prefer to ship them under the new administration, so far I have been satisfied with the law. I can suggest a single amendment to the law which I think, would improve it: that is, as to the requiring a deposit of money, from the captain of the vessel, before the Commissioner will undertake to ship men for him. It is a conceivable thing that the office may not be responsible. If the Commissioner is, some of his Deputies may not be.

J. O. WARD, *Shipping Merchant*.—As to the petition against the law, which has been signed by the shipping agents, the men whose names are on that petition, know very little about it. (Mr. WARD gave an account of a friend of his who signed the petition and opposes the law, simply because a check of his was sent back to him

from the Commissioner's office, in the time of the panic.) Among the members of the Ship Owners' Association are those who do think Capt. DUNCAN is arbitrary, and others, again, think the working of the law is expensive to them, and some of them, too, fail now to receive the sums, anywhere from $\frac{1}{2}$ of 1 to 5 per ct. in commission, which they used to get from the shipping masters, for the privilege of shipping crews for them. The captains of ships, too, have made money off the sailors in time past. These shipping masters have offered to divide with me, on shipping a crew, and so they do with captains. I have looked after the real condition of things in the Ship Owners' Association, of which I am member, and find that all this is about the state of the case. With the ship owners, then, it is just a matter of dollars and cents. If it be possible, I personally, would like to have the law retained, modifying it, if need be, so as to suit a reasonable majority, of the ship owners. There is an impression that Capt. DUNCAN got up this law, himself, and for himself. The law has interfered with all of them, and they want it out of the way, so that they can go on with their business. I don't think the law ought to be repealed. I don't think reshipments ought to be forced between Portland, Me., and Nova Scotia ports.

DECEMBER 18TH.

Capt. HENRY ERBEN, *U. S. N., stationed at the U. S. Naval Rendezvous, at the Seamen's Exchange, in Cherry St., N. Y.*—About this law, relating to the sailors, it is a very proper thing. I have paid a great deal of attention to it. We have the same trouble with sailors and their landlords, down stairs, as they do upstairs in the Commissioner's office. With us, the landlords are cross examined when they bring sailors to be enlisted, if they make claims against them; and the right deductions are made: we allow them. I have paid attention, also, to the discharging of seamen, up stairs. I have heard the sailors talk up there. They did not know who I was; I wore no uniform. Now the men go away from the Exchange, satisfied.

Yesterday we had a case where a man (naval) who had just been paid off, had \$160, and was charged \$1 75 for a piece of niggerhead tobacco, which you can buy anywhere, at 20 cts. per pound.

I have seen rectifications brought about by this law. Formerly the old custom was, in the merchant lines, to turn men off, anywhere, when they were not wanted: at a foreign port for instance, then return them after a while as deserters, and improper persons would take their pay to themselves. I knew a case, myself, of this sort, when in the harbor of Rio de Janeiro, on a merchantman. As soon as the vessel got there, the men were turned off, and after a while reported as deserters, and the captain charged the owners for their time and got the pay, not marking the men as deserters, either, until the vessel was ready to sail.

I have talked with ship owners about this law: did before I went to the Exchange, and they sought to prejudice me against it, but I went there and found it working well. I think it ought to be more stringent; it ought to take in all the coasting trade, and every ship going out from this port, into deep water.

As to the demonstration at the City Hall Park, a few weeks ago, I went through the park; happened to, at the time. There were about 150 men in the procession. I don't believe there were six (6) seamen in the lot. I have conversed with ship captains as to the law, and they all admit that they get, now, better men than they used to. Anybody can judge of this, if they read the papers; we don't see any accounts of ships being detained in the harbor for want of men. Upon my word, so far as I can find, there is no real ground for opposition to this law, but prejudice against Capt. DUNCAN.

I have seen nothing harsh, or severe, in Capt. DUNCAN's administration; there must be control there, and Capt. DUNCAN is the proper man to exercise that control. I have never heard a ship captain complain of the law, and I have talked with several. They like it, really, and they would all say so if they would express their views: they do say so sometimes,—and that they make objections, as they do is, I believe, on account of their owners. I think the location of the Exchange good. No more time is lost, there, than there would have been, under the old system in running about to different places. I have been in the Navy twenty-five years; and know as much of the condition of affairs under the old system, in merchant vessels, as it was possible for any one in the U.S. Navy to know. The sort of men that used to go to sea, under the old system, do not now go, it seems to me. This law in its working at the Naval Rendezvous, and in connection with it, benefits the government. Each helps the other. I think it is cheaper to the government, now, than under the old system. We pay no advances. There has been no rendezvous in New York since the war, before this.

As to money paid by us for the sailors, when they come to ship with us, we pay his board bill, if he owes one; and we will worm that bill down to the very smallest point. The runners have got so, now, that they know we won't pay any advance, and they don't expect it. The men have their clothing provided for them, on ship board. We can find out pretty well by our questioning what the sailors have really had, when they come to ship. One man came to us, with a landlord, and said he owed the landlord \$16 for board. We found that he had gone to the landlord's house and staid there from 4 a. m. to 9 a. m. and had a cup of coffee only. We paid 50 cents for his half day's board and that was all. The \$30 which came to the man, I sent to the man's wife at Fall River, and have since got the check back, with her endorsement.

The officers and clerks at the Exchange are courteous and efficient. I have been up there and seen a good deal of them, too.

Capt. GRAY of the *P. M. S. S. Acapulco*.—I have shipped several crews since this law has been in force. Have found the Commissioner's Deputies courteous and polite. I like the working of the law—it is excellent—don't operate against the captains. It has been said it was expensive to the owners. I don't know about that. I don't have to go to the office (Commissioner's) to ship my men. The work is all done on board by deputies.

I think the law is beneficial to the sailor, too. I have never heard any complaint of it, from them. I never had any practical control over my seamen for twenty-five years prior to this law; now I do. Men heretofore would ship and run away five minutes after; I have on board a crew of ninety men, and with them all, I have now no disturbance: no trouble from the firemen or any of that class—for they all know that if there be any occasion given for it, there will be a reduction made from their wages at the end of the voyage, before the Commissioner. We pay no fee for reshipping the same men. When we return from a voyage out, we pay 50 cents per man for their being paid off, and the sailor pays one-half. I have commanded twenty-one steamers—in all for twenty two years;—all of the merchant steamers of the *P. M. S. S.* save in the war. This is a law, and there seemed, before, to have been no law.

WILLIAM WHITE, 39 *Oliver St. New York*.—For twenty-two years I have kept a Sailor's Boarding House in New York: for sixteen years at place above named, and for six years at 41 Oliver St.—next door to it. As to this law, I don't see anything bad about its working. The sailor pays no \$5, now, for getting a chance, and the captain of his ship has got, now, to settle with him. In the old time, they used to do just what they wanted to, with the sailor. Some of the sailors don't like this law, they are the bad ones—the ruffians: The good sailors do like it. As to the expense to them, it costs sailors now a good deal less than it used to. In the old times, they used to go around to the offices, and pay \$3 to \$4 per man. It is better for me, too, now. The advance note is just as good for me, as the money. I have no fault to find with Capt. DUNCAN. They say he is arbitrary and severe—well this is the reason they will say so: in the old times, they would get their \$50 advance, and the sailor, would be in debt for board and clothes and it would all be taken up. Again, in the old times, there was no guaranty that the boarding house keeper would get his dues; and moreover we pay nothing, now, for shipping our men. I have been in the business twenty-two years. As to shanghaiing, in the old times the boarding house keepers would generally give him a good dose of liquor (something in it if necessary) and put the sailor on board. Under this law they can't do it. There was a good deal of this, and with all the shipping offices except two or three. I have not seen any, since the law went into effect. The sailor has better treatment in the houses, too, now. I have as many boarders now, as ever. I have paid an amount as high as \$1,000 in a year, for shipping seamen, in the old days. I think the

law is a good one as it is now. The men (Commissioner's) at the Exchange I find no fault with. They treat me well. I go up there, and I have seen no wrong treatment there. I have been there nearly every day since it was opened—sometimes am away a day or two perhaps, when I have no sailors to ship. When a sailor bought his new clothes, under the old system, I have known them to steal the new suit right out of his bag, (the keepers) and put in some old things. I have seen when \$25 was given them to go to Savannah,—seen the keepers and runners go down to the ship with the sailor, and he would say, just before he left, "well now, give me my \$15 or \$20" as the case might be—and they, on shore, would tell him—"go to hell"—and he would go off without it. Such a conspiracy as was got up last spring, by the landlords, works, really, against the interest of both sailors and ships.

CHARLES E. RYBERG.—I had to do with shipping crews on the *Sunrise*, *Top-Gallant*, *Phymouth Rock*, *North American*, *Baltic*, &c., &c., last spring (May 73). My duties are to always read over to the sailors, the shipping articles, explain the voyage, tell them of the penalties of disobeying the law, &c. I also witness their signatures. The San Francisco ships that have had trouble—the *Sunrise* the *Baltic*, &c., got crews from us, who were to go on board,—but about half of them turned out deserters. The *North America's* crew was shipped in my presence—so was that of the *Sunrise*. The captains sent up a good many of these men, with orders. I think about half went in the ship. The captains got the places of the others filled. I don't know what their characters were.

(*U. S. Shipping Commissioner*.—The law requires that in cases like these, the captain of the ship shall report the names of men shipped in place of the deserters, when he gets to port to which he has sailed. I suspect Capt CLARK of the *Sunrise* was lame there, (in San Francisco), before he reported his.)

I don't think that more than one or two of the crew originally shipped for the *Sunrise*, went in her. They got the substitutes in South Street and wherever else they could. I don't know what caused the men to desert, except some threats from outside. In the *Top-Gallant*, two or three men only deserted, and we ourselves filled up the list. I make it a point in shipping a crew to have every man understand what he is doing: I stop in the middle of shipping a crew, and ask them if they do. I have been in the office from the first. Everybody has treated me as a gentleman. The Commissioner treats me so, and all others. No one complains to me, of him. I shipped men in New York for fourteen to fifteen years before this law. The general reputation, in old times, as to shipping masters was that they would put men on, who were unfit to go. As to shanghaiing, I speak from hearsay about it: in the old times, it was said that it was done.

Our shipping fee (PENTZ & RYBERG), for long voyages, was \$4 per man. Some other offices shipped men for nothing, but got it out of the sailors.

I think there is no reason why this law isn't a good one; it is a good one, and works well. I think that under the new law, the sailor is more sure to get his wages than he was before. If the sailor don't get his advance money, now, it is his own fault. In the old times, they would often charge \$2 per lb. for tobacco furnished to the sailor.

The system of paying off, at the Exchange, is a great deal better than the old system, generally. The lawyers, then, used to thrive by getting the sailors to sign their power of attorney and they would take one-half to two-thirds of the wages due. The shipping offices would pay off the sailor, sometimes, with "Wild Cat" money, though they had got good money from the owners to do it with, and the sailor lost largely by this.

C. A. HENCKE.—I have been connected with the U. S. shipping Commissioner's Office from the first. My business is to notify the crews and get them on board the vessels, after they are engaged. I have followed the sea before this. I was familiar with the shipping of crews, here, in April and May '73. I think that very few of the men originally shipped in the *Sunrise*, went on her. I went to the houses of the men who had shipped; they could not be found. The landlords told me that they should not go. Some said, the men had run away; others said you can't have them, and threatened to "put a head" on me if I came to their house. As to those who actually did go on the ship, they took any thing they could get. They got hard men. The combination of landlords induced the men to desert: the men themselves would have been glad to go. We have no trouble now, with the landlords; some few of them only hang out.

Capt. SEABURY of *P. M. S. S. Granada*.—I have been on the sea since 1835. I have commanded most of the ships in our line. I have known about shipping seamen here, under the old system, and under the new act. I have found the law to work very well. The Commissioner is accomodating. They try to keep our men right, and do all we can ask. We have no difficulty under this law. They are willing to punish the sailor, if he deserves it.

As to its work with the sailor, I can hardly judge, but I should think it would be a benefit to him. Under it his rights are respected. It tends to give the seamen an idea how to understand their just relations. No seaman can find fault with it.

The law is no damage to owners or captains, I should say, though as to dollars and cents, in shipping matters, I have nothing to do.

Under the old system, as to paying off, I should suppose that the sailor would get his rights; though I am not very familiar with that. As to there being more insubordination under the new law, I think

there is no more, but quite the contrary: the men are more respectful, now. In paying off, here, a Commissioner's Deputy comes on board, and we reship any man we want to. I can't say anything as to a new fee. The men come on board more sober, than they used to. The Deputies are not arbitrary. I have no difficulty now; the men (sailors) are very courteous now. I should prefer to have the law kept in force. As to the frequency of changing men, I don't know that there is much alteration.

The U. S. Shipping Commissioner submitted a large number of letters from captains of steam and sailing vessels engaged in trade between New York and West Indies, Europe, East Indies, San Francisco, Panama, South America, &c., &c., who had had personal experience under the law, and its administration in this port all expressing their satisfaction with both.

C.

Letter from Capt. M. B. CROWELL of Ship "Black Hawk," received at the U. S. Shipping Commissioner's Office, New York, Dec. 24th, 1873.

New York, Dec. 24th, 1873.

MR. C. C. DUNCAN, U. S. SHIPPING COMMISSIONER:

DEAR SIR:—I have learned, with some regret, on my arrival at this port, from a voyage to San Francisco, and back, that there are parties and people in New York, using a great deal of exertion by Committee, and otherwise, to break up and overthrow the acts of our Government, providing and regulating the shipping of men, serving as sailors on board American ships, and also finding a great deal of fault with your management, and if my humble services are of any use to you, as a shipmaster, you are welcome to them. I have done business, now, with your office three times, in succession, and have received every attention and kindness, that could be given by all under your control, both in shipping and paying off my crews; neither have I had an hour's detention, and have had better crews by all odds than under the old regime of shipping. And it seems singular that there are people about, in the city, that have nothing else to do but to try and do away with this institution, which I think is a great benefit to ship owners, ships and sailors. As far as I am judge, your office is controlled in better order than any one I have done business in, since the new shipping law passed. If this will be of any use to you in your troubles, I give it freely and unbiased without solicitation.

Yours respectfully,

MILTON B. CROWELL,
Master of Ship *Black Hawk*.

D.

At a meeting of the Firemen and Coal Passers' Association of the port of New York, held on Saturday evening, November 22nd, 1873, at No. 73 Washington Street, the following resolutions were unanimously adopted.

Resolved,—That we the *bona fide* members of the Firemen and Coal Passers' Associations of the port of New York, do hereby protest against, and repudiate, the acts of a certain class, falsely representing themselves as members of this Association, and who by resolutions condemned the Shipping Act of 1872, said parties not being members of, and in no wise connected with this Association.

Resolved,—That we heartily endorse and approve of the Shipping Act of 1872, being satisfied, from experience, that said Act is beneficial to us, and a protection to our interests—and that we have upon many occasions been the recipients of the benefits of said law, and that we entirely repudiate the acts of those who participated in the procession of the 15th inst. they being non-members, and non-representatives of this Association.

Resolved,—That a Committee of four be appointed to wait on C. C. DUNCAN, the U. S. Shipping Commissioner for the port of New York, and tender him a copy of the resolutions as adopted.

GEORGE HILL, *Chairman*, 38 Greenwich St.,

FRANCIS CORRIGAN,

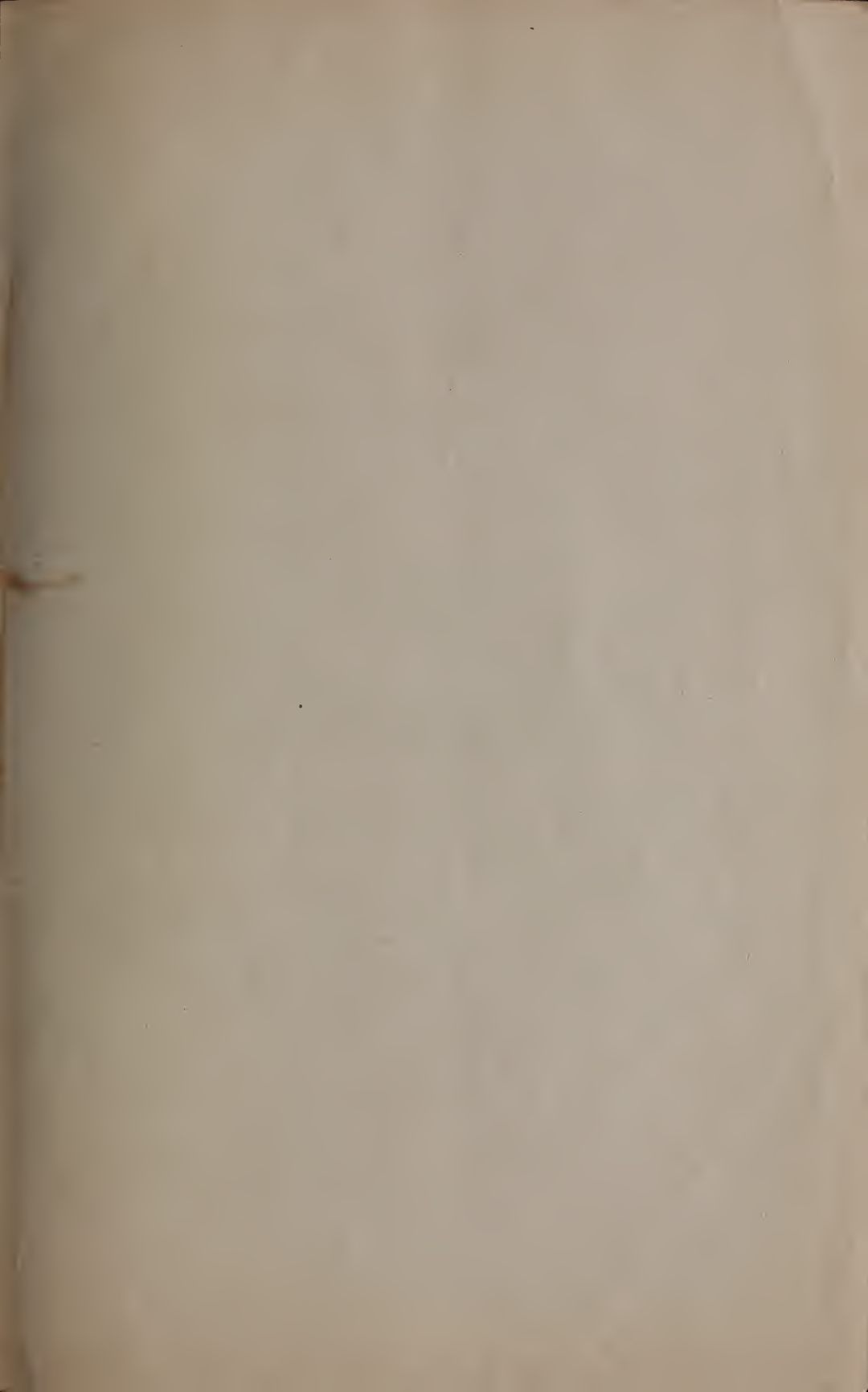
JAMES HARRIS,

JOHN CULLEN,

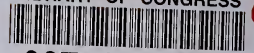
Committee.







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